

REMARKS

Claims 22, 23, 26-30, 33-39, and 42-52 are pending in the application. In the Final Office Action mailed July 5, 2005, the Examiner took the following action: (1) rejected claims 22, 26-29, 33-38, 42-47, and 51-52 under 35 U.S.C. 103(a) as being unpatentable over Dougherty (U.S. 5,539,624) in view of Friend et al. (U.S. 5,247,190) or Klein (U.S. 6,085,698) or Cozad (U.S. 4,644,895); (2) rejected claims 23, 30, 39, and 48 under 35 U.S.C. 103(a) as being unpatentable over Dougherty in view of Friend et al. or Klein or Cozad, and further in view of Vecht et al. (U.S. 4,140,937). Applicants respectfully request reconsideration of the application in view of the following remarks.

Applicants express appreciation to the Examiner for conducting a telephone interview to discuss the teachings of the subject application and the cited references on August 17, 2005, and for the Examiner's willingness to reconsider the Applicants' position regarding the non-obviousness of the claimed invention in view of (1) the arguments of record (presented in the prior responses to office actions, and incorporated herein by reference), and (2) the declaration of inventor Mark A. Shelly regarding secondary indicia of non-obviousness (filed concurrently herewith).

Summary of Arguments and Attached Declaration

In brief, Applicants' respectfully submit that there is no teaching or suggestion in the cited references of the following limitation contained in the claims: "...*the wall member including an electroluminescent coating disposed on an outer surface of the wall member.*" Dougherty teaches away from the above-referenced limitation by repeatedly stating that it is undesirable to put an electrical current/charge on the refueling hose due to the danger of ignition of the fuel (see Dougherty at 1:10-13, 3:10-13, 3:15-20, and Abstract lines 14-17), and therefore, there is no motivation to combine Dougherty with Cozad, which teaches *a marking arrangement on a receiving aircraft* (emphasis added) that may include electroluminescent strips (8:16-18)


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701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

that improves a boom operator's ability to get the refueling boom into a refueling receptacle on the receiving aircraft.

Applicants respectfully submit that putting *an electroluminescent coating on the refueling hose* as taught by Applicants is contrary to conventional wisdom with respect to putting an electrical charge on the outside of the refueling hose, as exemplified by Dougherty. (see Shelly Decl. at ¶ 3-4). The claims are therefore allowable over the cited references, and reconsideration and withdrawal of the pending rejections under 35 U.S.C. 103(a) is earnestly solicited.

In addition, Applicants' submit concurrently herewith a declaration of inventor Mark A. Shelly regarding the non-obviousness of the claimed invention. In brief, the enclosed declaration explains that following the filing of the subject application, Applicants have disclosed the claimed invention to various interested parties, and have been repeatedly approached with requests to license the subject matter covered by the claims of the pending application (see Shelly Declaration at ¶ 6-9). Although the potential for commercialization of the subject matter covered by the claims of the pending application is of great interest to the Applicants and to the assignee of the subject application, due to the intensity of a presently-pending competition for a large, multi-billion dollar contract to provide new aerial refueling tankers to the U.S. military, assignee has refrained from entering any of the offers to license the subject matter covered by the claims in order to preserve its position with respect to these technologies in the competition for the multi-billion dollar contract (see Shelly Declaration at ¶ 6-9).

For these additional reasons, Applicants respectfully submit that the subject matter of claims 22, 23, 26-30, 33-39, and 42-52 is not rendered obvious by, and is allowable over, the cited references, and reconsideration and withdrawal of the pending rejections under 35 U.S.C. 103(a) is earnestly requested.

CONCLUSION

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of pending claims 22, 23, 26-30, 33-39, and 42-52. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned at his convenience.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Dale C. Barr

Registration No.: 40,498

Direct Dial: 206.957.2463

Enclosures: Declaration of Mark A. Shelly Regarding Non-Obviousness

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 7, 2005
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Seattle, Washington 98104
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